

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1544 OF 2024
IN
CRIMINAL APPEAL NO. 384 OF 2024

Rameshwar Vilas Rathod

...Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Ms. Vrushali Maindad a/w Mr. Shaheen Kapadia for the Applicant.

Mr. A. R. Patil, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 6th May, 2024

P.C.:-

1. Heard the parties. This application is filed for suspension of sentence and released of the Applicant on bail in connection with the Judgment and Order dated 22nd February, 2024 passed by the learned Additional Sessions Judge, Pune in Special POCSO No.86 of 2019. The Applicant is convicted for offences punishable under Section 354 and 506 of Indian Penal Code (for short 'IPC'), Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO'). The impugned sentence is of three years for the offence punishable under Section 8 of POCSO Act and fine of Rs.2,000/- and under Section 12 of POCSO Act is sentenced to suffer of one year and fine of Rs.2,000/-. Under Section 354 of IPC, Applicant is directed to suffer imprisonment for one

year alongwith fine of Rs.2,000/-. For offence under Section 506 of IPC, Applicant is sentenced to pay Rs.1,000/- and in default to suffer simple imprisonment for 10 days.

2. Learned Advocate for the Applicant submits that the sentence is short sentence for three years. Out of that period the Applicant has suffered more than two years. During the pendency of the trial, he was on COVID bail. No allegations of misuse of liberty are made against the Applicant.

3. Learned APP vehemently opposes the application. Though, this Court has directed to Legal Services Authority to engage a Lawyer, looking to the fact that the sentence is short sentence and the Applicant is also suffered more than two years of sentence of years, the Court is inclined to allow the application.

ORDER

- i. Interim Application No.1544 of 2024 is allowed;
- ii. The sentence awarded by the Additional Sessions Judge, Pune in Special (POCSO) Case No.86 of 2019 dated 22nd February, 2024, stands suspended.
- iii. The Applicant shall be released on bail furnishing PR. Bond and solvent surety in the sum of Rs.15,000/- subject to deposit of fine amount if not already paid;
- iv. The Applicant shall not contact to the victim or any of the witnesses in any manner and he shall stay away from the jurisdiction

of Hadapsar Police Station, Pune during the pendency of the Appeal.

v. The Applicant shall not enter the jurisdiction of Hadapsar Police Station, Pune, except for attending the concerned Police Station. He shall appear before the Police as and when required.

vi. Application stands disposed off.

vii. Looking to the fact hearing of the appeal is expedited.

(KISHORE C. SANT, J.)